

REMARKS

This follows a brief telephone discussion on January 16 with Examiner Shumaya Ali, in which the objections, the claims and corrections were briefly discussed.

The Abstract

The abstract is now reduced in size, as required.

"Means for" Phrase, Claims 1, 3 and 9

The Examiner objected that the phrase "tip including means for dispensing" is not disclosed in specific terms in the specification. The applicant point out that the specification makes reference to a specific prior art clip applier as an example, by manufacturer, model name and all other needed information for a skilled artisan, which should be sufficient information. However, as suggested to the Examiner in the telephone discussion, the "means for" language is now deleted from claims 1, 3 and 9, and this should be acceptable. Thus, claim 1, in describing the prior-art clip applier, recites that the device has a "stem having a tip at a remote end for dispensing and serially applying metal clips". This is believed clearly to overcome the objection.

"Thumb Button" in Claim 1

The recitation of a thumb button in line 39 or 40 of claim 1 was a clerical error, and the term should be "hand operable actuator". This change is now made, following the antecedent basis about eleven lines above in the claim.

"The Microscope" in Claim 1

Although "under the microscope" is a term of art used commonly by surgeons, not referring to any particular microscope, the claim is amended as requested by the Examiner and now refers to "a microscope".

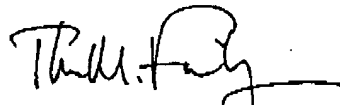
"The Clip" and "Foot Pedal"

In the Examiner's objections to the drawings, she states that "the clip and foot pedal must be shown with the feature cancelled from the claims." The reference to "the clip" is not fully understood, and the claims do not positively recite a clip as an element, only an applier (or a method) for dispensing and applying clips. However, in order to remedy any uncertainty, page 8, line 15 of the specification is amended to recite "(clips not shown)", where a clip is first mentioned in the description of preferred embodiments. This is believed adequate to remedy any issue regarding the clips themselves.

Regarding the foot pedal as actuator, present in claim 11, an addition is made to page 16 of the specification. This wording finds basis in the original claim and also at page 6, near the bottom, where the foot pedal is mentioned. As discussed with the Examiner in the telephone conference, the new wording simply indicates that the foot pedal is not shown in the drawings, which is adequate for method claim 11, without adding a new drawing to schematically indicate a foot pedal (which could be the end piece 58 shown in Figure 5, if the portion 60 were anchored appropriately).

The applicant believes all issues are addressed with this response, and favorable action is solicited. If the Examiner believes anything further is needed, a telephone call to the undersigned would be greatly appreciated before issuing a further action.

Respectfully submitted,



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